## REMARKS

Claims 1-20 were previously pending. Claims 1, 7, and 8 have been amended. The amendments to claim 1 are supported at least by the disclosure in page 20, lines 2-12 of the specification. Claims 7 and 8 have been amended without narrowing the scope of the claims. New claims 21-24 are supported at least by the disclosure in page 21, lines 19-24 of the specification. No new matter has been introduced. Upon entry of this amendment, claims 1-24 will be pending.

**Claim Rejections -- 35 U.S.C. 112**

Applicants respectfully traverse the rejections of claims 1-10 and 16-20 as being indefinite under 35 U.S.C. § 112, second paragraph.

Without conceding to the propriety of the rejections and in order to expedite prosecution, the parentheses in claim 1 have been deleted. Further, the phrase "the easily slipping face" in claim 7 has been deleted. Applicants respectfully submit that claims 1-10 and 16-20 are in compliance with the definiteness requirement of 35 U.S.C. § 112, second paragraph. Withdrawal of the rejections is respectfully requested.

**Double Patenting**

Claims 1-10 and 16-20 were rejected on the ground of nonstatutory obviousness-type double patenting as being obvious over claims 1-14 of Tabota, et al (U.S. Patent No. 6,663,929).

Claim 1, as amended, is not obvious over Tabota for the reasons stated below in connection with the rejections under 35 U.S.C. §103. For example, Tabota does not teach or suggest a heat-shrinkable polyester type film comprising an easily slipping layer, wherein the easily slipping layer comprises the specific lubricants recited in amended claim 1. Withdrawal of the double patenting rejections is respectfully requested.

**Claim Rejections -- 35 U.S.C. §103**

I. Applicants respectfully traverse the obvious rejections of claims 1-10 and 16-20

over Tabota et al. (US 6,663,929) under 35 U.S.C. §103(a).

Claim 1, as amended, recites a heat-shrinkable polyester type film comprising an easily slipping layer, wherein the easily slipping layer comprises a lubricant and a binder resin, and the lubricant is at least one selected from the group consisting of paraffin wax, microcrystalline wax, polypropylene wax, polyethylene wax, ethylene-acrylic wax, stearic acid, behenic acid, 12-hydroxystearic acid, stearic acid amide, oleic acid amide, erucic acid amide, methylene bis(stearic acid amide), ethylene bis(stearic acid amide), ethylene bis(oleic acid amide), butyl stearate, stearic acid monoglyceride, pentaerythritol tetrastearate, cured castor oil, stearyl stearate, siloxane, a higher alcohol type polymer, stearyl alcohol, calcium stearate, zinc stearate, magnesium stearate and lead stearate.

The slipping properties of conventional films used for labels for beverage-containing PET containers were so insufficient as to cause clogging problems and simultaneous discharging of several containers in automatic beverage vending machines (specification, the paragraph bridging pages 2 and 3). Furthermore, prior art films have the problem of stain adhesion of wear debris of the films to the contact rolls of a label-manufacturing equipment or the inside of automatic vending machines (page 3, the third paragraph).

By contrast, the claimed heat-shrinkable polyester type film exhibits good slipping properties, thereby preventing the clogging problem in automatic vending machines, as well as excellent abrasion resistance (page 4, the third paragraph of the specification).

The Office Action (page 4, the last paragraph) states that the ink layer of Tabota comprises a binder including polyester-type or urethane-type resins and lubricants (column 6, lines 4-18). However, the ink layer of Tabota is <u>not</u> an easily slipping layer, as recited in instant claim 1.

In the claimed invention, the easily slipping layer is formed on the outside of a label, away from the surface of the bottle to which the label is attached, while the ink layer is located on the inside of the label (page 3, lines 18-23; page 4, lines 16-21 of the specification). In other words, the easily slipping layer does not contact the surface of the bottle while the ink layer contacts the surface of the bottle. If the ink layer is formed on the outside of the label, the ink layer will easily come off. If the easily slipping layer is formed on the inside of the label, good slipping properties can not be imparted and the

clogging problem in an automatic vending machine can not be prevented. Therefore, an easily slipping layer is different from an ink layer in terms of location as well as function. Tabota does not teach or suggest an easily slipping layer, as recited in instant claim 1.

More importantly, Tabota does not disclose or suggest the specific lubricants recited in claim 1. Tabota only briefly mentions that "the ink to be used in the present invention may contain additives, if necessary, such as weathering agents, fluorescent whitening agents, lubricants and crosslinking agents (column 6, lines 15-18)," without giving specific examples of the lubricants to be used. Further, Tabota does not address the problems associated with conventional films that the instant inventors were concerned with.

For at least these reasons, the claimed invention would not have been obvious over Tabota. Withdrawal of the rejections is respectfully requested.

II. Applicants respectfully traverse the obvious rejections of claims 1-10 and 16-20 over Takahashi et al. (US 5,281,472).

The Office Action states that Takahashi discloses a primer layer comprising polyurethane having a sulfonic acid group. See Office Action, page 5, the third paragraph. But, Takahashi fails to teach or suggest a primer layer that contains a lubricant, let alone the specific lubricants listed in claim 1. As shown in the present application, heat-shrinkable polyester type films comprising low concentrations of lubricants had inferior dynamic friction coefficient and abrasion resistance. See, e.g., Examples 1-13; Comparative Examples 3 and 7; Tables 1-4. Also, Takahashi does not disclose or suggest a solution to the problems associated with the prior art polyester type films, such as clogging in automatic vending machines and poor abrasion resistance.

For at least these reasons, the claimed invention would not have been obvious over Takahashi. Withdrawal of the rejections is respectfully requested.

## CONCLUSION

The Examiner is encouraged to contact the undersigned regarding any questions concerning this amendment. In the event that the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The Commissioner is authorized to debit Deposit Account No. 11-0600 the petition fee and any other fees that may be required in relation to this paper.

Respectfully submitted,
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